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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,310	11/02/2001	Timothy M. O'Neil	PA2087 US	5803
29855	7590	07/27/2005	EXAMINER	
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			KHUONG, LEE T	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/053,310

Applicant(s)

O'NEIL, TIMOTHY M.

Examiner

Lee Khuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 16-17 is/are pending in the application.  
4a) Of the above claim(s) 15 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 and 16-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 6,687,234), hereafter is referred as Shaffer in view of Rakoshitz et al. (US 6,816,903), hereafter is referred as Rakoshitz.

**Regarding claim 1**, Shaffer teaches An Apparatus And Method For Optimal Conference Call Renegotiation In Telephony Over LAN Systems. Shaffer teaches a system for optimizing network resources for conference calls, comprising: endpoints (102a, 102b, 103a, 103b, Fig. 2, *end-user terminals*) that request the conference calls (see col. 3, lines 4-27); multi-point control units (104a, 104b, Fig. 2, *MCUs*) for supporting conference calls between three or more endpoints (see col. 3, line 57 - col. 4, line 2); conferencing based on optimal network cost (see col. 3, line 67 - col. 4, line 2) and a gatekeeper (108a, Fig. 2, *GKI*).

Shaffer does not teach a resource scheduler for receiving the conference call requests; and a gatekeeper communicatively coupled to the resource scheduler for managing the network resources.

Rakoshitz teaches a resource scheduler (205, Fig. 2, *a FAIR module control*) for receiving the conference call requests (see col. 13, line 57 – col. 14, line 5); and a gatekeeper

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communicatively coupled to the resource scheduler for managing the network resources (see col. 28, lines 15-17).

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ the policy server as taught by Rakoshitz with the Optimized Network Telephone Conferencing System of Shaffer to arrive the claimed invention as specified in claim 1.

The suggestion/motivation for doing so would have been to provide an efficient network bandwidth management for the telephone conferencing system for the purpose of avoiding congestion in a telecommunication network (see col. 3, line 65 – col. 4, line 16).

**Regarding claim 2**, Shaffer and Rakoshitz teach all claimed limitations set forth in the rejection of claim 1. Rakoshitz further teaches wherein the gatekeeper includes a connectivity policy module (202, Fig. 2, *a traffic policy*) for maintaining network policies (see col. 14, line 59 – col. 15, line 28, *admission control*).

**Regarding claim 3**, Shaffer and Rakoshitz teach all claimed limitations set forth in the rejection of claim 2. Rakoshitz further teaches wherein the network policies include network bandwidth management policies (208, Fig. 2, *a traffic management tool*, see col. 10, lines 13-22).

**Regarding claim 4**, Shaffer and Rakoshitz teach all claimed limitations set forth in the rejection of claim 2. Shaffer further teaches wherein the gatekeeper manages the network

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resources based on the conference call requests and the network policies (see col. 3, line 57 – col. 4, line 2).

**Regarding claim 5**, Shaffer and Rakoshitz teach all claimed limitations set forth in the rejection of claim 1. Rakoshitz further teaches wherein the gatekeeper includes a bandwidth module communicatively coupled to the connectivity policy module for determining network bandwidth availability for the conference call requests (see col. 5, lines 17-30, col. 10, lines 13 – col. 12, line 8, and col. 13, line 57 – col. 15, line 28).

**Regarding claim 6**, Shaffer and Rakoshitz teach all claimed limitations set forth in the rejection of claim 1. Shaffer further teaches a network management system (105, Fig. 3, *an MCU coordinator*) communicatively coupled to the gatekeeper to determine if dynamic cascading of the multi-point control units is required for resource optimization (see col. 3, line 39 – col. 5, line 53, *the MCUC 105 determines the optimal MCUs to handle all call requests*).

**Regarding claim 7**, Shaffer and Rakoshitz teach all claimed limitations set forth in the rejection of claim 6. Shaffer further teaches wherein the gatekeeper further includes a cascade optimization module (105, Fig. 3, *an MCU coordinator*) for determining an optimum cascade configuration for the multi-point control units (see col. 3, line 39 – col. 5, line 53, *the MCUC 105 determines the optimal MCUs*).

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**Regarding claim 8**, Shaffer and Rakoshitz teach all claimed limitations set forth in the rejection of claim 7. Shaffer further teaches wherein if the network management system determines that dynamic cascading of the multi-point control units is required for resource optimization, then the gatekeeper determines the optimum cascade configuration for the multi-point control units (see col. 3, line 39 – col. 5, line 53, *the MCUC 105 determines the optimal MCUs to handle all call requests*).

**Regarding claim 9**, Shaffer teaches An Apparatus And Method For Optimal Conference Call Renegotiation In Telephony Over LAN Systems. Shaffer teaches a method for optimizing network resources for a conference call, comprising the steps of: endpoints (102a, 102b, 103a, 103b, Fig. 2, *end-user terminals*) that request the conference call (see col. 3, lines 4-27); determining if sufficient network resources are available to connect the conference call (see col. 5, lines 17-30, col. 10, lines 13 – col. 12, line 8 and col. 13, line 57 – col. 15, line 28); supporting conference calls between three or more endpoints with multi-point control units (104a, 104b, Fig. 2, *MCUs*, see col. 3, line 57 - col. 4, line 2); conferencing based on optimal network cost (see col. 3, line 67 - col. 4, line 2) and a gatekeeper (108a, Fig. 2, *GK1*).

Shaffer does not teach receiving the conference call request by a resource scheduler; and accessing a connectivity policy module.

Rakoshitz teaches a resource scheduler (205, Fig. 2, *a FAIR module control*) for receiving the conference call request by a resource scheduler (205, Fig. 2, *a FAIR module control*, see col. 13, line 57 – col. 14, line 5); and accessing a connectivity policy module (see col. 28, lines 15-17).

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ the policy server as taught by Rakoshitz with the Optimized Network Telephone Conferencing System of Shaffer to arrive the claimed invention as specified in claim 9.

The suggestion/motivation for doing so would have been to provide an efficient network bandwidth management for the telephone conferencing system for the purpose of avoiding congestion in a telecommunication network (see col. 3, line 65 – col. 4, line 16).

**Regarding claim 10**, this claim has similar limitations of claim 2. Therefore, it is rejected under Rakoshitz for the same reasons set forth in the rejection of claim 2.

**Regarding claim 11**, this claim has similar limitations of claim 3. Therefore, it is rejected under Rakoshitz for the same reasons set forth in the rejection of claim 3.

**Regarding claim 12**, Shaffer and Rakoshitz teach all limitations set forth in the rejection of claim 9. Shaffer further teaches wherein if sufficient network resources are available to connect the conference call, the resource scheduler schedules the conference call (see col. 4, line 64 – col. 5, line 16).

**Regarding claim 13**, Shaffer and Rakoshitz teach all limitations set forth in the rejection of claim 9. Shaffer further teaches determining whether a dynamic cascading of the multi-point

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control units is required for network resource optimization (see col. 3, line 39 – col. 5, line 53, *the MCUC 105 determines the optimal MCUs to handle all call requests*).

**Regarding claim 14**, this claim has similar limitations of claim 7. Therefore, it is rejected under Shaffer for the same reasons set forth in the rejection of claim 7.

**Regarding claim 16**, Shaffer teaches An Apparatus And Method For Optimal Conference Call Renegotiation In Telephony Over LAN Systems. Shaffer teaches a system for optimizing network resources for conference calls, comprising:

a plurality of local area networks (100a, 100b, Fig. 2, *two LANs*);

a plurality of endpoints (102a, 102b, 103a, 103b, Fig. 2, *end-user terminals*) coupled to the local area networks for requesting conference calls;

a plurality of multi-point control units (104a, 104b, *MCUs*) coupled to the local area networks for supporting conference calls between three or more endpoints (see col. 3, line 57 – col. 4, line 2);

a gatekeeper for determining an optimum cascade configuration for the multi-point control units (see col. 3, line 39 – col. 5, line 53, *determinig an optimum cascade configuration for the MCUs*); and

a network management system coupled to the gatekeeper for determining whether dynamic cascading of the multi-point control units is required for resource optimization (see col. 3, line 39 – col. 5, line 53).



Shaffer does not teach a resource scheduler coupled to the local area networks for scheduling the conference calls; and a gatekeeper coupled to the resource scheduler.

Rakoshitz teaches a resource scheduler (205, Fig. 2, *a FAIR module control*) for coupled to local area networks for providing network connectivities via a fair scheduling (see col. 13, line 57 – col. 14, line 5); and a gatekeeper communicatively coupled to the resource scheduler for managing the network resources (see col. 13, line 57 – col. 14, line 5 and col. 28, lines 15-17).

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ the policy server as taught by Rakoshitz with the Optimized Network Telephone Conferencing System of Shaffer to arrive the claimed invention as specified in claim 16.

The suggestion/motivation for doing so would have been to provide an efficient network bandwidth management for the telephone conferencing system for the purpose of avoiding congestion in a telecommunication network (see col. 3, line 65 – col. 4, line 16).

**Regarding claim 17**, Shaffer and Rakoshitz teaches all claimed limitations set forth in the rejection of claim 16. Shaffer further teaches wherein each of the plurality of endpoints is a videoconference-enabled device (see col. 2, line 61 – col. 3, line 27, *H.323 terminals support multimedia conferencing*).

### ***Response to Arguments***

3. Applicant's arguments filed on 5/19/2005 have been fully considered but they are not persuasive. Regarding to applicant's argument on page 6, lines 3-4, here as recited for

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applicant's convenience "Rakoshitz does not teach or suggest a resource scheduler for receiving conference call request as claimed" in claim 1. Examiner disagrees and would like to direct applicant's attention to Rakoshitz, col. 13, line 64 – col. 14, line 5, Rakoshitz expressly teaches "FAIR's objective provides inbound and outbound traffic management **for meaning time intervals**, reducing the load on packet classifiers and **packet schedulers ... The FAIR module also controls time 217** of allocating bandwidth for these parameters."; as recited from Rakoshitz's reference, it is clearly taught the FAIR module controls time 217 is acting as a scheduler, which is what the applicant claimed in claim 1.

Regarding to applicant's argument on page 6, lines 9-14, those features are not considered as they are not stated in claim 1.

Regarding to applicant's argument on page 6, lines 15-17, here as recited for applicant's convenience "Rakoshitz does not teach or suggest a gatekeeper communicatively coupled to the resource scheduler for managing network resources". Examiner disagrees and would like to direct applicant's attention to Rakoshitz's Fig. 2, col. 28, lines 15-17, the figure clearly shows that the **Policy engine module 231/Policy server/Gatekeeper** communicatively coupled to the resource scheduler/**FAIR module 227** through the API module; therefore, it should meet the limitation "a gatekeeper communicatively coupled to the resource scheduler for managing network resources".

*Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Khuong whose telephone number is 571-272-3157. The examiner can normally be reached on 9AM - 5PM.


6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lee T. Khuong  
Examiner  
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